

SECTION 1. Comm 110.02 (2) is amended to read:

**Comm 110.02 (2)** "Brownfields redevelopment" means any work or undertaking by a person, ~~municipality or local development corporation~~ to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate the facility or existing buildings, structures, or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial, or other purposes. "Brownfields redevelopment" does not include construction of new facilities on the site for any purpose other than environmental remediation activities.

SECTION 2. Comm 110.02 (6) and (7) are repealed.

SECTION 3. Comm 110.02 (8) to (11) are renumbered Comm 110.02 (6) to (9) and Comm 110.02 (6), as renumbered, is amended to read:

**Comm 110.02 (6)** "Person" means an individual, partnership, limited liability company, corporation ~~or limited liability company~~, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

SECTION 4. Comm 110.03 is repealed and recreated to read:

**Comm 110.03 Application content.** Applications shall be submitted to the department. Each application shall contain all of the following:

- (1) The name, address, and designated contact person for the applicant.
- (2) Supporting documentation to demonstrate that the party which caused the portion of the environmental contamination that is the basis for the grant request is unknown, cannot be located, or is financially unable to pay for the cost of the cleanup.
- (3) A description of the proposed project and associated budget, including all of the following:
  - (a) The location and duration of the project.
  - (b) The brownfields redevelopment and environmental remediation activities for which the applicant is seeking grant funds.
  - (c) An itemized estimate of the proposed cost of each project activity.
  - (d) The amount and certainty of the applicant's financial contribution to the project, including in-kind service contributions.

(e) A description of the proposed match, and the professional qualifications of the persons conducting any in-kind services.

(f) A list of other federal, state, local, and private funding or financial sources the applicant may be seeking funding from, including the amount, timing, and certainty of the funding awards.

(g) A project implementation schedule, including the brownfields redevelopment activities, environmental remediation activities, and site redevelopment.

(h) A description of the infrastructure the project requires, and the source and certainty of financing for the needed infrastructure.

(i) A map showing the location of the project within the municipality having jurisdiction, and an indication if this project is located in any specially designated federal, state, or local economic financing or taxation zone.

(4) A description of the potential for the project to promote economic development in the area.

(5) A summary of the environmental condition of the site, and the impact the project will have on the environment.

(6) The innovativeness of the applicant's proposal for remediation and redevelopment, including, but not limited to, innovative funding, remediation, or reuse.

(7) An explanation of why assistance under the brownfields grant program is necessary and what is likely to result if assistance is not granted, including certified statements addressing all of the following:

(a) That sufficient funding is not available at reasonable terms from any other source.

(b) That state funds received under this chapter will not replace funds from any other sources, such as agri-chemical, petroleum environmental cleanup fund act, and superfund.

(c) That the project is not likely to take place without the grant.

(8) A certified statement, including supporting documentation, that the applicant is financially sound and has the financial resources to complete the project in a timely manner, assuming the grant is awarded.

(9) A certified statement and plan for conducting a financial audit of the grant and for submitting program reports to the department on the results of the project, pursuant to s. Comm 110.08.

(10) A certified statement that the proposed project will not result in a net loss of permanent employees.

(11) Copies of phase 1 and phase 2 environmental assessments conducted in regard to the property.

SECTION 5. Comm 110.04 (intro.) is amended to read:

**Comm 110.04 (intro.) Eligibility.** The department may award a grant to any person, ~~municipality, or local development corporation~~ if all of the following apply:

SECTION 6. Comm 110.04 (2) and (3) are renumbered Comm 110.04 (3) and (4).

SECTION 7. Comm 110.04 (2) is created to read:

**Comm 110.04 (2)** The recipient will not use the grant proceeds to pay lien claims of the department of natural resources or the federal environmental protection agency based on investigation or remediation activities of the department of natural resources or the federal environmental protection agency or to pay delinquent real estate taxes or interest or penalties that relate to those taxes.

SECTION 8. Comm 110.08 is amended to read:

**Comm 110.08 Reporting and auditing.** A grant recipient awarded a grant under this chapter shall provide the department semi-annual ~~financial and~~ program reports. A financial audit and final program ~~reports~~ report shall be submitted at the end of each contract. The financial audit and ~~the~~ program reports become the property of the department and are open to public inspection.

(End)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall become effective on the first day of the month following publication in the Wisconsin Administrative Register.

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*File reference: Comm 110/Perm rules lr*

*1/28/02*